

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:09CR457
)	
v.)	
)	
SHANNON WILLIAMS,)	ORDER
)	
Defendant.)	
_____)	

This matter is before the Court upon defendant's motion to continue sentencing (Filing No. [1146](#)). Defendant has raised two issues allegedly warranting the continuance of his Friday, November 4, 2011, sentencing. These two issues shall be addressed herein:

A. Two previous convictions reported at paragraphs 72 and 73 of defendant's second revised presentence investigation report

The government in its responsive filing has now conceded that the two prior convictions reported at paragraphs 72 and 73 of defendant's second revised presentence investigation report have been overturned. (See Filing No. [1154](#)). While the Court is not convinced these convictions have been overturned, eliminating them for purposes of calculating defendant's criminal history category does not alter his criminal history category. Accordingly, the calculation of defendant's criminal history will not include these two prior convictions, and his criminal history category will be VI.

B. Further testimony from Jason Waddell

The reference defendant makes in his motion relates to only some loads of marijuana transported by Jason Waddell, not to the loads he and his mother transported together, or the loads transported by the other witnesses. Having reviewed the testimony of all of the witnesses, the Court is satisfied that the total amount of marijuana transported during this conspiracy is at least 7,000 kilograms. The probation officer's finding of such amount, as described in the second revised presentence investigation report (Filing No. [1154](#)), will be used to determine his base offense level under the guidelines. Defendant's motion to continue sentencing will be denied. Accordingly,

IT IS ORDERED that defendant's motion to continue sentencing (Filing No. [1146](#)) is denied.

DATED this 2nd day of November, 2011.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court